

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

INTEPLAST GROUP, LTD.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:11-CV-1949 (CEJ)
)	
PRIMEX PLASTICS CORP.,)	
)	
Defendant.)	

ORDER

This matter is before the Court on plaintiff's motion to strike defendant's sixth affirmative defense alleging inequitable conduct under Fed. R. Civ P. 9(b) and Fed. R. Civ. P. 12(f)(2). Plaintiff argues that the affirmative defense of inequitable conduct requires proof of fraud, which under Fed. R. Civ. P. 9(b) must be pled with particularity. Defendant has filed a response agreeing to withdraw the sixth affirmative defense without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to strike defendant's sixth affirmative defense [Doc. #17] is **granted**.

IT IS FURTHER ORDERED that the sixth affirmative defense is stricken without prejudice.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 19th day of June, 2012.